HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P.No. 18141 of 2004

DATE: 14-12-2007

Between:

1. **Yadalla Nagamma Trust**

……. Petitioner

and

1. **The State of A.P. represented by**
   District Collector, Kadapa and three others.

……. Respondents

THE HON'BE Dr. JUSTICE G. YETHIRAJULU

W.P.No. 18141 of 2004

ORDER:

This writ petition is filed by the petitioner seeking to declare the action of the respondents in interfering with and converting the Trust properties for public use as illegal and arbitrary and violative of Article 300-A of the Constitution of India.

The petitioner represents that she is the hereditary trustee of the temple. A trust was registered by her grandmother and she has been in possession and enjoyment of the trust property. She filed the present writ petition on the basis of the paper news item for removal of the encroachments. The paper notification also indicates that the trust site will be used as parking place. Being apprehensive of the concerned authorities taking away the land of the trust as parking place, the petitioner approached this Court through this writ petition.

This Court need not reiterate that if any property of a private individual or an institute is required for public purpose, it has to be secured after following the procedure prescribed under law. I am confident that the respondents would not resort to any highhanded act of occupying the trust property without following the procedure under law. If it is established that the property belongs to the trust and if that property is required for public purpose, the respondents are at liberty to acquire the same by following the procedure prescribed under law and they shall not resort to any shortcut methods by converting the trust property into public property without following the procedure prescribed under law.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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Dr.G. YETHIRAJULU, J

Date: 14-12-2007
YCR